# Jonathan M. Phillips

Partner

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Jonathan Phillips is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, where he is a member of the firm's litigation department and Co-Chair of the FDA and Health Care Practice Group and False Claims Act/Qui Tam Defense Practice Group. A former DOJ Trial Attorney, his practice focuses on FDA and health care enforcement, compliance, and litigation, as well as other white collar enforcement matters and related litigation. Mr. Phillips is ranked nationally as a leading False Claims Act practitioner by *Chambers USA.*

Mr. Phillips has substantial experience representing health care, pharmaceutical, and medical device clients in civil and criminal enforcement actions by the Department of Justice, Food and Drug Administration, Department of Health and Human Services Office of Inspector General, State Attorneys General, and other federal and state agencies, as well as related whistleblower litigation. He has particular experience representing clients in health care enforcement matters brought under the False Claims Act, the Anti-Kickback Statute, the Stark Law, and the Federal Food, Drug, and Cosmetic Act, and their state analogues on a wide variety of theories. He also regularly counsels clients on health care fraud and abuse compliance matters and conducts related internal investigations and risk assessments, including counseling Boards of Directors on health care compliance oversight matters and related government and shareholder litigation. Mr. Phillips also has extensive experience defending government contractors and their affiliates in government investigations under the False Claims Act and related breach-of-contract theories, and in related government and whistleblower litigation. Mr. Phillips has been recognized by *The Best Lawyers in America*® for his work in Health Care (2023–2026) and Qui Tam Law (2025–2026), named by *Washingtonian Magazine* as a "Top Lawyer" for Criminal Defense-White Collar (2022), and recommended by *The Legal 500* for Government Contracts (2024–2025).

Prior to joining Gibson, Dunn & Crutcher, Mr. Phillips served as a Trial Attorney in the Civil Division, Fraud Section of the U.S. Department of Justice, where he investigated and prosecuted allegations of fraud against the United States under the False Claims Act and related statutes. His work at DOJ included handling a variety of health care enforcement cases including allegations of pharmaceutical and device fraud, such as off-label promotion, adulterated products, and Anti-Kickback Statute violations, as well as a variety of other types of alleged Medicare and Medicaid provider fraud. Mr. Phillips also investigated and tried cases involving bid rigging and other allegations of fraud by government contractors while at the DOJ.

**Representative Matters – Health Care Enforcement, Investigations and Litigation**

- Defended one of the country's largest hospital and health care services providers in nationwide parallel criminal and civil investigation by DOJ and HHS OIG of medical necessity and quality-of-care allegations, resulting in closure of criminal case with no charges and successful multi-*qui tam* civil settlement.

## Capabilities

Litigation
Consumer Protection
FDA and Health Care
False Claims Act / Qui Tam Defense
Government Contracts
Higher Education
Life Sciences
State Attorneys General
White Collar Defense and Investigations

## Credentials

### Education

University of Pennsylvania - 2007 Juris Doctor

London School of Economics & Political Science - 2003 Master of Science

University of Pennsylvania - 2002 Bachelor of Arts

### Admissions

Maryland Bar

District of Columbia Bar

### Clerkships

USDC, Eastern District of Pennsylvania, Hon. J. Curtis Joyner, 2007 - 2008

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- Successfully defended leading national pharmacy operator in parallel False Claims Act suits brought by DOJ and several states' Attorneys General, resulting in dismissal on the pleadings of one complaint based on company's challenge to the viability of the at-issue Medicaid payment rule, and favorable settlement of companion case.
- Defended biotechnology provider of molecular genetic testing products in parallel DOJ criminal and civil investigation of allegations of upcoding and under the Anti-Kickback Statute and beneficiary inducement prohibitions, resulting in a Non-Prosecution Agreement and favorable civil settlement. Representing the company in related Corporate Integrity Agreement implementation and compliance work.
- Representing major global biopharmaceutical company in DOJ investigation under the Anti-Kickback Statute and False Claims Act regarding speaker programs for specialty drug products.
- Representing special litigation committee of the board of a leading pharmaceutical wholesaler and service provider in litigation of shareholder derivative *Caremark* claims regarding board oversight of company compliance program.
- Representing national diagnostic laboratory in investigation by the California Attorney General regarding state consumer protection theories in connection with marketing to physicians and patients.
- Conducted internal investigation for special committee of the board of a leading academic medical center of surgical quality-of-care and quality oversight issues, resulting in detailed report of recommendations for improvement of governance and quality monitoring areas.
- Represented pharmaceutical manufacturer in parallel criminal and civil DOJ investigation of alleged antitrust violations related to drug prices, resulting in Deferred Prosecution Agreement, favorable civil False Claims Act settlement, and no Corporate Integrity Agreement required by HHS OIG. Named a "Matter of the Year" by Global Competition Review.
- Defended large hospital system in nationwide DOJ investigation under the False Claims Act of allegations involving medical necessity of interventional cardiology procedures and quality system oversight, resulting in DOJ declination and dismissal of the underlying *qui tam*.
- Representing global pharmaceuticals manufacturer in False Claims Act and Anti-Kickback Statute investigation of allegations regarding arrangements with specialty pharmacies and patient support programs.
- Represented large, nationwide pharmacy chain in False Claims Act investigation of the company's reporting of "usual and customary" drug prices, resulting in successful settlement.
- Defended manufacturer of medical and scientific research equipment in *qui tam* litigation involving alleged violations of federal regulatory restrictions on radiation emissions, resulting in a complete victory including summary judgment for the defendant and affirmance of the judgment in the Ninth Circuit.

**Representative Enforcement and Litigation Matters – Defense, Technology, and Other Government Procurement**

- Successfully defended a leading engineering and construction company in False Claims Act suit brought by DOJ alleging cost accounting noncompliance under large nuclear site contract, resulting in a complete dismissal of the complaint after a trial of underlying contract interpretation issues.
- Defended semiconductor manufacturer in False Claims Act investigation of alleged violations of International Trafficking in Arms Regulations (ITAR), including obtaining DOJ declination, dismissal of the relator's complaint on the pleadings, and affirmance of the dismissal in the Ninth Circuit.
- Defended subsidiary of one of the nation's largest energy providers in False


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Claims Act investigation of alleged Truth in Negotiations Act (TINA) violations related to contracting for emergency power restoration services, resulting in favorable settlement of FCA claims and government payment of withheld contract funds.

- Defended engineering and R&D firm in parallel criminal and civil DOJ investigation of alleged timecard fraud that resulted in DOJ declination of both the criminal and civil cases, and a successful motion to dismiss the underlying *qui tam*.
- Defended government contractor providing logistics and network management services to the military in DOJ investigation of alleged fraudulent bills for goods and services not provided, resulting in DOJ declination and dismissal of the underlying *qui tam*.
- Defended global aerospace engineering firm in False Claims Act investigation involving alleged nonconformity to client and military service specifications, resulting in DOJ declination and dismissal of the underlying *qui tam*.

**Speaking Engagements and Academic Work**

- Adjunct Professor, Columbus School of Law, Catholic University of America – Health Care Compliance Seminar, Fall 2020 to Present
- "Causation Conundrums in FCA Cases," Federal Bar Association *Qui Tam* Section Roundtable (scheduled March 2023)
- "Evolution of Cyber and DOJ's Civil Cyber Fraud Initiative," Government Investigations, Compliance, and Litigation Institute Annual Meeting (Nov. 2022)
- "Navigating New Terrain with FCA and *Qui Tams*," GICLI Annual Meeting (Nov. 2021)
- "Preparing for Enhanced Antitrust Enforcement in Government Procurement," Gibson Dunn Webcast, Dec. 2019)
- "Top Legal Threats and Trends Facing FDA-Regulated Companies," Food and Drug Law Institute's annual Enforcement, Litigation, and Compliance Conference (Dec. 2019)
- "False Claims Act Enforcement, Policy Updates, and Trends in Patient Support," Food and Drug Law Institute's annual Enforcement, Litigation, and Compliance Conference (Dec. 2018)
- "Building Safeguards into Patient Assistance and Support Programs in order to Mitigate Risk," American Conference Institute's 18th Annual Forum on Fraud and Abuse (March 2018)
- "False Claims Act Litigation in a Post-Yates World: Has the Government Changed Its Approach and Should You?" American Bar Association Litigation Section Annual Conference (May 2017)
- "Developments in False Claims Act Enforcement," Food and Drug Law Institute webinar (April 2017)
- "Going on the Offensive: Strategies for Investigating, Combating, and Affirmatively Litigating Against Fraud," HCCA Managed Care Compliance Conference (Jan. 2017)
- "False Claims Act Enforcement Targeting Drug and Device Companies," Food and Drug Law Institute's annual Enforcement, Litigation and Compliance Conference, Washington, D.C. (Dec. 2016)
- "Litigating Against the Government," moderated panel sponsored by the Bar Association of D.C. (Nov. 2016)
- "Hot Topics in Fraud and Abuse Enforcement Involving Health Care Providers," Gibson Dunn Webcast (Sept. 2016)
- "How DOJ Can Build a Successful Case Against You: Understanding the Anatomy


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of a Government Investigation of False Claims," American Conference Institute's Advanced Forum on False Claims and Qui Tam Enforcement, New York, NY (January 2014)

**Sample Publications**

- Gibson Dunn's False Claims Act Year-End and Mid-Year Updates, (co-author) 2013-2023
- "Anti-Kickback Circuit Split Holds Implications for Defendants" (co-author) (Law360, August 2022)
- "Senators' Call for Increased DOJ Use of Suspension and Debarment Could Impact False Claims Act Investigations and Resolutions (co-author) (Client Alert, August 2022)
- "Prescription Drug Sampling Regulation and Enforcement" chapter in Practicing Litigation Institute's Pharmaceutical Compliance and Enforcement Answer Book (co-author) (2021)
- "Using and Defending Against Statistical Sampling in False Claims Act Cases" (co-author) (AHLA Connections, January 2017)
- "FCA Liability After Escobar: Challenges and Opportunities for Device Companies" (co-author) (MedTech Insight, October 2016)
- "Compliance Perspectives on the Developing Contours of the Patient Safety and Quality Improvement Act" (co-author) (HCCA Compliance Today, October 2016)
- "Compliance Implications of the Rise of False Claims Act Cases Based on the 60-Day Rule" (Westlaw Journal Health Care Fraud, November 2015)

Previously, Mr. Phillips was an associate at a law firm in Washington, D.C., and served as a law clerk for Judge J. Curtis Joyner of the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Phillips received his law and undergraduate degrees from the University of Pennsylvania. He is a member of the bars of the State of Maryland and the District of Columbia.


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